

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>Marshawn Horne,</b>	)	<b>CASE NO. 5:12CV2274</b>
	)	
<b>Petitioner,</b>	)	<b>JUDGE DAN AARON POLSTER</b>
	)	
<b>vs.</b>	)	<b><u>MEMORANDUM OF OPINION</u></b>
	)	<b><u>AND ORDER</u></b>
<b>Jason Bunting,</b>	)	
	)	
<b>Respondent.</b>	)	

Before the Court is the Report and Recommendation of Magistrate Judge George J. Limbert (“R & R”) (**Doc. # 14**). The R&R recommends that Petitioner Marshawn Horne’s 28 U.S.C. § 2254 petition for writ of habeas corpus (**Doc. # 1**) be dismissed.

Under 28 U.S.C. § 636(b)(1), a habeas petitioner has 14 days after being served a copy of the R&R to file written objections. A copy of the R&R was mailed to Petitioner on December 3, 2014.<sup>1</sup> In this case, more than 14 days have elapsed since the R&R was sent to Petitioner, and Petitioner has filed neither an objection nor a request for an extension of time to file one.

Failure to file objections by the deadline constitutes a waiver of the right to obtain a de novo review of the R&R in the district court, United States v. Walters, 638 F.2d 947, 949 (6th Cir. 1981), and a waiver of the right to appeal. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984),

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<sup>1</sup> On 11/14/2014, the Court mailed a copy of the R&R to the Petitioner and addressed it to the Lake Erie Correctional Institution. On 12/2/2014, Respondent’s counsel informed the Court that Petitioner had been transferred to the Marion Correctional Institution. As a result, on December 3, 2014, the Court mailed a copy of the R&R to Petitioner and addressed it to the Marion Correctional Institution.

aff'd, 474 U.S. 140 (1985). Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985).

The Court has reviewed the Magistrate Judge's R&R and agrees that the petition should be dismissed. Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R (**Doc. # 14**) and **DISMISSES** the petition for writ of habeas corpus (**Doc. # 1**).

**IT IS SO ORDERED.**

/s/ Dan Aaron Polster December 29, 2014  
**Dan Aaron Polster**  
**United States District Judge**